

REMARKS

This is in response to the Office Action of October 17, 2008. In a good faith effort to advance the prosecution of this application, claims 13 and 14 are cancelled, without prejudice. The pH range in claim 1 is amended, based upon such disclosure as that in the paragraph bridging pages 9-10 of the specification ("it is preferable for [the pH range] to be 6.0 to 7.7 in the case where, for example, the artificial physiological salt solution according to the present invention is applied as an organ cleaning solution"). The osmotic pressure range in claim 1 is amended, based upon such disclosure as that in the second full paragraph on page 10 of the specification ("it is more preferable for [the osmotic pressure range] to be 280 mOsm/L to 305 mOsm/L, for example, in the case where it is applied as an organ cleaning solution"). Claim 2 is cancelled, without prejudice, in view of the amendments to claim 1. No new matter is introduced by this Amendment. With this Amendment, claims 1 and 3-8 remain pending in the application.

Claims 13 and 14 were rejected on the ground of double patenting. Office Action, pages 10-11. This ground of rejection is rendered moot by the cancellation of claims 13 and 14 herein.

Claims 1-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by EP 0 698 388 A1 (Cantoro). Office Action, pages 2-4. The rejection is respectfully traversed. Cantoro discloses artificial tears having an osmotic pressure of 140 mOsm/L to 280 mOsm/L and being biologically compatible. However, Cantoro fails to teach or suggest a composition having a pH of 6.0 to 7.7 and an osmotic pressure of 280 mOsm/L to 305 mOsm/L that is suitable for use as a cleaning solution for the eyes or the nose.

Claims 1, 2, and 7-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by JP 2000-157977 (Hoshino). Office Action, pages 4-5. The rejection is respectfully traversed. Hoshino discloses a biologically compatible isotonic solution having an osmotic pressure of 128

mOsm/L to 322 mOsm/L and a pH of 3 to 8.5. However, Hoshino fails to teach or suggest a composition having a pH of 6.0 to 7.7 and an osmotic pressure of 280 mOsm/L to 305 mOsm/L that is suitable for use as a cleaning solution for the eyes or the nose.

Claims 1-9, 13, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 0 826 636 A1 (Morisawa) in view of Cantoro and Hoshino. Office Action, pages 6-9. The rejection is respectfully traversed. Morisawa discloses a dialysis technique. The Examiner contends that organs subjected to the dialysis solution disclosed in the Morisawa reference include gastric, intestinal, pulmonary, and peritoneal organs, and that the dialysis solution disclosed by Morisawa corresponds to the organ cleaning solution of the present invention. Applicants respectfully disagree. The organ cleaning solution in the present invention is significantly different from the dialysis solution disclosed in Morisawa because the present cleaning solution cleans – for instance – the eyes or the nose and not the internal organs that are subjected to dialysis in the Morisawa reference. To clarify this distinction, claim 1 is amended to limit the use of the artificial physiological salt solution to a cleaning solution for the eyes or the nose. Claim 1 is also amended to limit the range of the pH and the range of the osmotic pressure. The Morisawa reference, which merely discloses a dialysis technique, neither teaches nor suggests the invention recited in the claims hereinabove.

SUMMARY. In the invention of the subject application, it is necessary to limit the “artificial physiological salt solution” to have a specific range of pH and a specific range of osmotic pressure in order to apply the solution for its use as “a cleaning solution for the eyes or the nose.” Such limitation is neither taught nor suggested in any of the references applied against Applicants’ claims. Therefore, Applicants respectfully contend that a person of ordinary skill in the art would not have arrived at the invention of the amended claims in this application on the basis of the disclosures in the cited Cantoro, Hoshino, and Morisawa references, and that the amended invention of the subject application involves an inventive step over those references.

Contact information

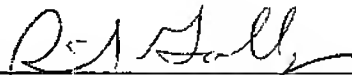
In view of the above amendment, Applicants believe that the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Richard Gallagher, Reg. No. 28,781, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

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